UNITED
NATIONS

CERD

International Convention on
the Elimination
of all Forms of
Racial Discrimination

Distr.
GENERAL

CERD/C/338/Add.5
8 September 1998

Original: ENGLISH

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9
OF THE CONVENTION

Fifteenth periodic report of States parties due in 1998

Addendum

Ghana*

[22 June 1998]

* This document contains the twelfth, thirteenth, fourteenth and fifteenth periodic reports, submitted in one document, due on 4 January 1992, 1994, 1996 and 1998, respectively. For the tenth and eleventh periodic reports of Ghana, submitted in one document, and the summary records of the meetings at which the Committee considered that report, see documents CERD/C/197/Add.7 and CERD/C/SR.943-944 and 950.

GE.98-17859 (E)

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Introduction

1. Ghana ratified the International Convention on the Elimination of All Forms of Racial Discrimination on 7 September 1966. The Preamble to the Fourth Republican Constitution of Ghana, 1992, reaffirms Ghana's attachment to the cardinal principles concerning human rights contained in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Bill of Human Rights.

2. The present report of Ghana has been prepared relying extensively on the general guidelines regarding the form and contents of reports by States parties under article 9, paragraph 1, of the Convention. The report is presented at a time when Ghana is experiencing an acceleration of the democratic process and reform begun during the 1990s, and as a result of the major political changes that have taken place with the adoption of a new constitution.

I. GENERAL

A. Land and people

3. Ghana is a country with a diversity of regions and cultures. There are 10 major regions. According to surveys carried out by the Ghana Statistical Service, national population projections for the years 1990, 1995 and 2000, disaggregated by sex, are given in the table below.

Variant		1990	1995	2000
High	M	7 093 457	8 366 025	9 954 769
	F	7 317 919	8 593 704	10 180 250
	T	14 411 376	16 959 729	20 135 019
Medium	M	7 093 457	8 340 483	9 837 152
	F	7 317 919	8 568 447	10 065 085
	T	14 411 376	16 908 930	19 902 237
Low	M	7 072 048	8 269 193	9 707 233
	F	7 296 705	8 497 813	9 936 321
	T	14 368 753	16 767 006	19 643 554

4. The non-Ghanaian population was observed to have declined from 1960 onwards because the economic conditions were no longer attractive. That population eventually became more balanced in terms of the sex ratio and even in age. It is assumed that there will be a linear decline in the percentage of the non-Ghanaian population from 3.1 per cent in 1984 to 1.0 per cent in the year 2000. It is projected that the population of Ghana will grow to 20.1 million in the year 2000, with an average annual growth rate of 3.1 per cent.

5. The sex ratio of the population, which was 97.2 in 1985, will increase to 97.8 in 2000. The population has also become younger with around 45 per cent of the population under the age of 15 in 1985 increasing to nearly 47 per cent in 2000.

Regional population distribution

6. Projections indicate that the urban population, which was about 32 per cent of the total population in 1984, will rise to 41.8 per cent by the year 2000, given the same rate of urbanization as that which was observed to have prevailed during the 1960-1984 period. Our estimate is about 9 per cent lower than the United Nations estimates of 50.9 per cent. The projected percentage distribution, by region, of the population of Ghana from 1985 to 2000 is depicted in the table below:

Region	1985	1990	1995	2000
Western	9.43	9.49	9.54	9.57
Central	9.20	8.86	8.59	8.38
Gt. Accra	11.74	12.12	12.42	12.67
Eastern	13.62	13.46	13.31	13.20
Volta	9.77	9.46	9.21	9.02
Ashanti	16.98	16.91	16.84	16.78
Brong-Ahafo	9.87	10.08	10.26	10.39
Northern	9.56	9.89	10.17	10.39
Upper West	3.55	3.48	3.43	3.39
Upper East	6.28	6.25	6.23	6.21
Total	100.00	100.00	100.00	100.00

B. General political structure

7. The Republic of Ghana is a democratic country working to establish a free and just society. The form of government is presidential. Ghana is governed under a democratic system of government. The head of State is simultaneously head of Government. The sovereignty of Ghana resides exclusively in the people of Ghana. The Constitution establishes three principal organs of Government, namely, the executive, the legislature and the judiciary.

The executive

8. The President of the Republic of Ghana is the head of State and head of Government and commander-in-chief of the armed forces of Ghana. The President takes precedence over all other persons in Ghana followed, in descending

order, by the Vice-President, the Speaker of Parliament and the Chief Justice. The executive authority of Ghana is vested in the President and exercised in accordance with the provisions of the Constitution. The executive authority of Ghana is also extended to the implementation and maintenance of the Constitution and all laws made under or continued in force by the Constitution.

9. The Council of State serves as an advisory body to the President in the performance of specified functions. The Attorney-General is the principal legal adviser to the Government. The National Security Council ensures and takes appropriate measures to safeguard the internal and external security of Ghana. The National Development Planning Commission advises the President on development planning policy, initiates study and makes strategic analysis of macroeconomic and structural reform options.

The legislature

10. The Parliament of Ghana consists of 200 members with a speaker elected by the members of Parliament, and two deputy speakers. Parliament has power to make laws and pass bills assented to by the President. There is also a Parliamentary Service Board with the Speaker as its Chairman. The Board is mandated, with the prior approval of Parliament, to make regulations, by constitutional instrument, prescribing the terms and conditions of service of the officers and other employees in the parliamentary service and generally for its effective and efficient administration.

The judiciary

11. The judiciary administers justice in the name of the Republic of Ghana. The judicial power of Ghana is vested in the judiciary, which is independent. The Chief Justice is the head of the judiciary and is responsible for the administration and supervision of the judiciary. The judiciary has jurisdiction in all civil and criminal matters relating to the Constitution and such other jurisdiction as conferred on it by Parliament. The judiciary consists of:

(a) The Superior Courts of Judicature:

(i) The Supreme Court;

(ii) The Court of Appeal;

(iii) The High Court and Regional Tribunals.

(b) The lower courts or tribunals:

(i) The circuit courts/circuit tribunals;

(ii) The community tribunals/family tribunals.

C. General legal framework within which human rights are protected

Courts

12. Where as person alleges that a provision of the Constitution on the fundamental human rights and freedoms has been, is being or is likely to be contravened in relation to him, that person may apply to the High Court for redress. Upon the application, the High Court may issue directions or orders or writs such as habeas corpus, certiorari, mandamus, prohibition and quo warranto as it may consider appropriate for the purposes of enforcing any of the provisions on the fundamental human rights and freedoms. A person aggrieved by a determination of the High Court may appeal to the Court of Appeal with the right of a further appeal to the Supreme Court.

Commission on Human Rights and Administrative Justice

13. The Commission was established in 1993 by an Act of Parliament of the Republic of Ghana (Act 456) of 1993. The Commission consists of a commissioner and two deputy commissioners who are appointed by the President, acting in consultation with the Council of State. The functions of the Commission are to investigate complaints of violations of fundamental rights and freedoms, injustice, corruption, abuse of power and unfair treatment of any person by a public officer in the exercise of his official duties, among others. The Commissioner investigates administrative cases following a complaint or on his own initiative. The role of the Commissioner in the exercise of the powers conferred on him is regulated by the Commission on Human Rights and Administrative Justice (Complaint Procedure) Regulations, 1994 (C1.7). The Commissioner's decision on matters is binding on the parties.

Administrative authorities

14. Various decisions affecting the rights and duties of individuals are taken by administrative authorities. Where such decisions are made at a lower administrative level or by a commission of inquiry there is a right of appeal from the findings of the commission to the Court of Appeal against the adverse findings against any person within three months. The report of the commission of inquiry is deemed to be the judgement of the High Court.

D. Information and publicity

15. The government authorities have instituted special programmes for the dissemination of information on human rights. The public consciousness as regards human rights has been awakened and interest in human rights has increased in the light of the influence of the 1992 Constitution of the Republic of Ghana. The Commission on Human Rights and Administrative Justice (CHRAJ) is charged with the responsibility of educating the public as to human rights and freedoms including publications, lectures and symposia. The National Commission for Civic Education (NCCE) is also responsible for educating and encouraging the public to defend the Constitution at all times,

against all forms of abuse and violation. The NCCE formulates programmes at the national, regional and district levels aimed at realizing the objectives of the Constitution, implementing and overseeing programmes intended to inculcate in the citizens of Ghana awareness of their civil responsibilities.

II. INFORMATION RELATING TO ARTICLES 2-7 OF THE CONVENTION

Article 2

16. The Government's objective is to pursue by all appropriate means a policy of eliminating racial discrimination and promoting understanding among all peoples in Ghana. While the Government plays the primary role in ensuring that there is an adequate statutory framework, it also encourages promotion, cooperation and dialogue in a variety of ways.

17. To promote understanding among persons with ethnic differences, the Government in 1994 set up a commission to provide a forum for identifiable ethnic groups and to look into the remote and underlying causes of the hostility and conflict between the Konkombas on one hand and the Nanumbas, Gonjas and Dagombas on the other. The commission was to provide a continuous avenue for redress of matters that touch on their traditional values, customs, existence and survival, and to establish the truth in the conflicting claims by the various ethnic groups in order to provide the ground for lasting peace.

Article 3

18. Apartheid is not practised in Ghana. The Government of Ghana openly condemns all forms of apartheid or any other form of racial segregation. The Government strongly believes that there should be no artificial barriers on racial grounds in the regions of Ghana. Article 17 of the 1992 Constitution of Ghana provides, inter alia, for equality and freedom from discrimination:

> "17 (1) All persons shall be equal before the law.
>
> "17 (2) A person shall not be discriminated against on grounds of gender, race, colour, ethnic origin, religion, creed or social or economic status."

Article 17 (3) also defines "discriminate" as giving different treatment to different persons attributable only or mainly to their respective descriptions by race, place of origin, political opinions, colour, gender, occupation, religion or creed, whereby persons of one description are subjected to disabilities or restrictions to which persons of another description are not made subject or are granted privileges or advantages which are not granted to persons of another description.

Article 4

19. The Government of Ghana has adopted effective legislative, judicial and administrative measures to combat racial discrimination in line with the provisions of article 4 of the Convention. There are provisions under the present criminal law in Ghana which deal effectively with offences which may

have a racial motivation, such as assaults. There is also legislation to address cases involving genocide. Section 1 of the Criminal Code (Amendment) Act, 1993 provides that

"A person who commits genocide where, with intent to destroy, in whole or in part, any national, ethnical, racial or religious group, he

(a) kills members of the group;

(b) causes serious bodily or mental harm to members of the group;

(c) deliberately inflicts on the group conditions of life calculated to bring about its physical destruction in whole or in part;

(d) Imposes measures intended to prevent births within the group; or

(e) forcibly transfers children of the group to another group".

Article 5

20. The 1992 Constitution of the Republic of Ghana guarantees the right of everyone to equality before the law without distinction as to race, colour or national or ethnic origin.

Fair trial

21. Article 19 (1) of the Constitution provides that "a person charged with a criminal offence shall be given a fair hearing within a reasonable time by a court". Furthermore, a person charged with a criminal offence shall be presumed to be innocent until he is proved or has pleaded guilty and shall be informed immediately, in a language that he understands and in detail, of the nature of the offence charged, be given adequate time and facilities for the preparation of his defence, be permitted to defend himself before the court in person or by a lawyer of his choice.

22. The trial of a person charged with a criminal offence shall take place in his presence unless he refuses to appear before the court after he has been duly notified of the trial.

Security

23. The Constitution also guarantees the right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution. The Criminal Code 1960 (Act 29) of Ghana also provides for offences involving assaults and battery, intentional acts and causing unlawful harm. The President may impose restrictions that are reasonably required in the interest of defence, public safety, public health or the running of essential services, on the movement or residence within Ghana, of any person or persons generally or any class of persons.

Political rights

24. The Constitution provides for general fundamental freedoms which include the freedoms to vote and be voted for, the right to form and join political parties of one's choice and to participate in all the political processes whether at the community or the national level.

Civil rights

25. The Constitution also provides for civil rights such as the right to life, the right to personal liberty, the right to property, the right to privacy of the person, freedom of religion, freedom of movement, freedom of speech and expression which includes freedom of the press and other media, and freedom of assembly which includes the right to hold meetings or demonstrations.

Economic, social and cultural rights

26. There are provisions on the right to work under satisfactory, safe and healthy conditions, the right to receive equal pay for equal work without any discrimination, the right to form or join trade unions of the individual's choice for the promotion and protection of his economic and social interests, the right to social security or pension, the right to equal educational opportunities and facilities, the right to enjoy, practise, profess, maintain and promote any culture, language tradition or religion subject to law. All customary practices which dehumanize or are injurious to the physical and mental well-being of a person are prohibited.

27. Every person has the right of access to any place or service intended for use by the general public, such as transport, hotels, restaurants, cafés, theatres and parks.

Article 6

28. Decisions of courts and other judicial and administrative organs relating to cases of racial discrimination are very rare in Ghana. However, the courts award compensation to a person alleging that his fundamental human rights have been violated.

Article 7

29. Ghana, being a member of the United Nations, has incorporated in its Constitution specific articles which seek to implement the provisions of the Charter of the United Nations. In terms of education, the National Commission for Civic Education (NCCE) has been established to educate the citizenry on the provisions of the Constitution which embody human rights and the elimination of all forms of discrimination.

Education

30. The NCCE organized a workshop for some teachers of basic schools in September 1996 in the Central Region of the Republic of Ghana. A pilot programme, with the view of having the Constitution taught at the basic school

level, is currently under way in three districts of the Central Region. In collaboration with the Ghana Education Service (GES), the NCCE has developed a teacher's guide on the usage of the abridged and simplified version of the Constitution for effective teaching and learning.

31. The Commission since 1996 has established Civic Education Clubs in the country's second cycle schools and universities to help promote the ideals of the Constitution which include friendship among ethnic groups and elimination of all forms of discrimination.

32. The NCCE also has a networking relationship with the Commission on Human Rights and Administrative Justice (CHRAJ). A series of seminars have been organized for the armed forces (1995-1996) and the Police Service (1997) on human rights-related themes. In addition, lectures are given on how the police should relate to the Constitution at the Police College. Furthermore, symposia, seminars, workshops and durbars are organized by the NCCE to educate the citizenry on their rights and responsibilities and the institutions to which cases of abuse of human rights could be reported for redress. The Commission has also developed a brochure on fundamental human rights and freedoms which is used in furthering the education of the populace on human rights and related issues.

33. In its endeavour to promote tolerance among the peoples of Ghana, three zonal workshops organized by the NCCE and sponsored by UNDP and the Government of the Netherlands were held in Tamale, Kumasi and Accra for identifiable bodies, political parties and the military in 1996. A brochure, "The Right to Vote and Political Tolerance", published in English and 15 Ghanaian languages, was distributed to participants during the workshop and other public education programmes conducted prior to the 1996 elections.

34. To promote tolerance among the youth, the NCCE organized a nationwide essay competition on political tolerance among the first and second cycle institutions in 1996. The NCCE Drama Group also performed plays on topical issues on the national television network and within the communities, especially before the 1996 general elections. Ghana also observed Human Rights Day on 10 December 1997.

Conclusion

35. In furtherance of Ghana's commitment under the Convention, Ghana has not relented in its effort to implement the provisions enshrined in the Convention, although cases of racial discrimination have rarely occurred in Ghana. The Government of the Republic of Ghana is also firmly committed to the elimination of all forms of racial discrimination and the promotion of international friendship and cooperation and tolerance among peoples in Ghana irrespective of their origin, beliefs and affiliation.

Annex

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